

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP S. AURECCHIONE,

Petitioner,

-v-

LETITIA JAMES et al.,

Respondents.

CIVIL ACTION NO. 22 Civ. 3323 (JPC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On April 23, 2022, Petitioner Philip S. Aurecchione (“Petitioner”), while in the custody of New York State Department of Corrections and Community Supervision, filed a petition for a writ of habeas corpus under 28 U.S.C. §§ 2241(a) and 2252(a) et. seq. (ECF No. 1 (the “Petition”)). On June 29, 2022, Respondents filed a motion to dismiss the Petition pursuant to Federal Rule of Civil Procedure 12(b)(1). (ECF Nos. 13–14). On August 1, 2022, Petitioner filed a cross-motion for attorneys’ fees. (ECF Nos. 15–16 (the “Cross-Motion”)). To date, Respondents have not filed a response to the Cross-Motion.

Accordingly, by **Monday, December 12, 2022**, Respondents shall file a letter advising the Court whether they oppose the Cross-Motion, in which case, the Court shall set deadlines for Respondents to file their opposition, and for Petitioner to file a reply.

Dated: New York, New York
December 7, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge